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SUBJECT: ECAUDOREAN RESEARCH VESSEL REQUIREMENTS

REF: QUITO 4783

1. THE DEPT HAS SPECIFIC PROBLEMS CONCERNING ARTICLES 4 AND 11 OF ECUADOREAN REQUIREMENTS PROVIDED REFTEL.
 2. ARTICLE 4, PARA 4, REQUIRES THE RESEARCH VESSEL TO STOP AT THE FIRST ECUADOREAN PORT TO TAKE ABOARD AN OFFICIAL OBSERVER. THIS COULD CAUSE A GREAT INCONVENIENCE TO A VESSEL IF IT WAS REQUIRED TO STEAM LONG DISTANCES TO PICK UP AN OBSERVER AND THEN RETURN TO A SURVEY AREA
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FAR FROM THE PORT. VERY OFTEN IT WILL BE POSSIBLE TO

PICK UP AN OBSERVER IN A PORT OUTSIDE ECUADOR WHICH IS ALREADY ON THE VESSEL'S SCHEDULE. THE SAVINGS IN TIME AND MONEY IS OFTEN CONSIDERABLE AND THE VESSEL OPERATOR MAY BE WILLING TO CONTRIBUTE TO THE TRAVEL EXPENSE OF THE OBSERVER. THE REQUIREMENT TO ALWAYS CALL AT AN ECUADOREAN PORT FIRST IS UNACCEPTABLE TO US RESEARCHERS AND HAS NOT ALWAYS BEEN ENFORCED IN THE PAST. THE EMBASSY IS REQUESTED TO APPEAL TO THE GOE ON THIS AND SUGGEST THAT PORTS OUTSIDE ECUADOR MAY BE USED FOR PICK-UP OF OBSERVERS AS MUTUALLY AGREED.

3. ARTICLE 11 STATES IN THE INTRODUCTORY PARAGRAPH THAT THE CAPTAIN OF THE VESSEL WILL DELIVER THE MINISTRY RESOLUTION OF APPROVAL TO THE ECUADOREAN OFFICER OR TOURIST EXECUTIVE. DUE TO THE OPERATING SCHEDULES OF RESEARCH VESSELS IT IS OFTEN VIRTUALLY IMPOSSIBLE TO PROVIDE THEM PHYSICALLY WITH A COPY OF THE RESOLUTION. MAIL DELAYS AND VESSELS' ITINERARIES MAY PROHIBIT THE VESSEL FROM OBTAINING A COPY OF THE RESOLUTION. THE VESSEL CAN BE PROVIDED THE RESOLUTION REFERENCE NUMBER AND A VERBAL OR RADIO TRANSMISSION OF THE RESOLUTION AND FOR THE MAJORITY OF CASES THAT IS THE BEST THAT CAN BE DONE. RESEARCH VESSELS WILL NOT BE ABLE TO COMPLY WITH THIS REQUIREMENT; THEREFORE, THE EMBASSY IS REQUESTED TO RESOLVE THIS WITH THE GOE BY SUGGESTING THAT THE CAPTAIN ONLY BE REQUIRED TO CITE THE RESOLUTION NUMBER AND ADDITIONALLY BE RESPONSIBLE FOR COMPLYING WITH THE CONTENTS STATED THEREIN.

4. THE ABOVE PROVISIONS TAKEN TOGETHER IMPLY NO RESEARCH MAY BE CONDUCTED UNTIL A CALL HAS BEEN MADE AT AN ECUADOREAN PORT. AGAIN, THIS MAY SERIOUSLY HAMPER THE RESEARCH IN SOME CIRCUMSTANCES, DEPENDING ON TIMING AND THE LOCATION OF THE PROJECTED RESEARCH. IT SHOULD BE POSSIBLE TO CONDUCT RESEARCH WHILE EN ROUTE TO THE ECUADOREAN PORT, OR IN ECUADOREAN WATERS AFTER PICKING UP THE ECUADOREAN PARTICIPANTS IN A FOREIGN PORT WITHOUT IMPINGING ON THE BASIC INTENT OF THE REGULATION. THE EMBASSY IS REQUESTED TO REACH A GENERAL UNDERSTANDING WITH THE GOE ON THIS, IN EACH PARTICULAR CASE THE WORK LIMITED OFFICIAL USE

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TO BE CARRIED OUT UNDER THIS UNDERSTANDING ONLY AS MUTUALLY AGREED.

5. ARTICLE 11 (PARA B) AND ARTICLE 4 (PARA 7) STATE THAT ADDITIONAL RESEARCH MAY BE REQUIRED BY THE NAVY OCEANOGRAPHIC INSTITUTE AND THIS WORK MAY BE SCHEDULED WHEN THE VESSEL REACHES THE FIRST ECUADOREAN PORT. US RESEARCH POLICY ADVOCATES ASSISTING HOST COUNTRIES

IN ACCOMPLISHING RESEARCH OBJECTIVES THAT ARE OF MUTUAL INTEREST AND THAT CAN BE ACCOMPLISHED ON A BASIS WHICH DOES NOT INTERFERE WITH THE ORIGINALLY PLANNED RESEARCH. FUNDING AGENCIES OF US RESEARCH VESSELS NORMALLY WILL NOT PERMIT ADDITIONAL RESEARCH TO BE ADDED ON THAT IS NOT CONSISTENT WITH THE ORIGINAL OBJECTIVES OR COMPATIBLE WITH THE SCHEDULE OR EQUIPMENT ON BOARD. THIS DOES NOT MEAN THAT NO ADJUSTMENTS CAN BE MADE IN PLANS. GOE REQUESTS FOR ADDITIONAL RESEARCH WILL BE ACCOMMODATED IF AT ALL POSSIBLE. PROPOSALS SHOULD BE RECEIVED BY THE US RESEARCHERS AT A VERY EARLY DATE TO DETERMINE

IF THEY CAN BE WORKED INTO THE RESEARCH PLAN. HOPEFULLY, THE ECUADOREAN AND US RESEARCHERS WILL WORK TOGETHER IN DEVELOPING THE PLANS IN SUCH A WAY THAT AS MANY OBJECTIVES OF BOTH CAN BE SATISFIED AS POSSIBLE. THERE ARE PRACTICAL LIMITATIONS, OF COURSE, SUCH AS ATTEMPTING TO WORK BIOLOGICAL INVESTIGATIONS INTO A GEOLOGICAL PROGRAM. THE CLOSER ONE GETS TO ACTUAL IMPLEMENTATION OF A PROJECT THE MORE DIFFICULT IT IS TO MAKE CHANGES OR ADDITIONS. THUS, THIS REQUIREMENT IF STRICTLY ENFORCED WOULD PROBABLY RESULT IN CANCELLATION OF ALL US RESEARCH OFF ECUADOR. SINCE THE DESIRE ON BOTH SIDES, HOWEVER, IS TO ACHIEVE THE SCIENTIFIC RESULTS, EARLY CONSULTATIONS SHOULD MINIMIZE OR ELIMINATE THE PROBLEM.

6. AS THE EMBASSY IS MORE INTIMATELY AWARE OF THE GOE REASONING BEHIND ISSUING THIS UPDATED REGULATION AND IS FAMILIAR WITH THE GOE OFFICIALS AND AGENCIES INVOLVED, IT IS REQUESTED THAT THESE COMMENTS BE USED IN A MANNER THAT THE EMBASSY CONSIDERS TO BE TO OUR BEST ADVANTAGE. REALIZING IT MAY BE TOO LATE TO REVISE THE LAW IT MAY BE WORTH EXPLORING THEIR PLANS FOR ENFORCEMENT OR OTHER LIMITED OFFICIAL USE

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POSSIBLE ARRANGEMENTS WHICH WOULD ENABLE THE US TO CONTINUE ITS RESEARCH OFF ECUADOR. EMBASSY'S AND GOE'S RESPONSES WOULD BE MOST APPRECIATED SO THAT US VESSEL OPERATORS CAN BE PROVIDED GUIDANCE.

7. THIS MATTER SHOULD NOT BE DISCUSSED IN ANY WAY WHICH IMPLIES USG RECOGNITION OF GOE AUTHORITY OVER SCIENTIFIC RESEARCH WITHIN THE ENTIRE 200 MILE CLAIM. HABIB

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